

HCS HB 2140 -- ELECTIONS

SPONSOR: McGaugh

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elections and Elected Officials by a vote of 9 to 3. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 9 to 4 with 1 voting present.

The following is a summary of the House Committee Substitute for HB 2140.

This substitute changes election laws. In its main provisions the substitute:

- (1) Authorizes the Secretary of State (SOS) to audit voter registration lists and require election authorities to remove improper names. Audit procedures and deadlines are specified in the bill and noncompliance could result in a withhold of funds (Section 28.960, RSMo);
- (2) Removes obsolete references to ballot cards and requires voting machines to be air gapped as a security measure. The term "air gapped" is specified in the bill (Section 115.013, 115.417, 115.447, RSMo);
- (3) Prohibits the state and its political subdivisions from receiving or expending private money for preparing, administering, or conducting an election or registering voters (Section 115.022);
- (4) Removes the one year voter and residency requirement for election commissioners, but retains the requirements of voter registration and residency at the time of appointment (Section 115.031);
- (5) Exempts board of election commissioners and clerk employees from requirement to reside or register within the jurisdiction in which they serve (Sections 115.045 and 115.051);
- (6) Allows appointment of election judges who reside outside the requisite election authority's jurisdiction without the need for written consent from the election authority in whose jurisdiction the potential judge resides. Procedures for selecting election judges from lists submitted by political party committees is specified (Section 115.081; 115.085);
- (7) Repeals specified registration exceptions for intrastate new residents and authorizes registration in the state of Missouri for such individuals (Section 115.135);

(8) Authorizes the Department of Revenue to use electronic applications when sending materials to election authorities under the existing voter registration program in place at the Division of Motor Vehicles and Drivers Licensing, within the Department of Revenue. No person with documentation showing non-citizenship will be offered registration to vote, and voter information may be analyzed to avoid mistakes using the statewide voter registration database as specified in the bill. Electronic applications shall be sent no later than three business days after completion of a form. The electronic applications shall be secure and in a format compatible with the existing Voter Registration System under Section 115.158. The Secretary of State and Director of the Department of Revenue shall guarantee the security and transmission of electronic data. Images of signatures may be used for the purpose of voter registration (Sections 115.151, 115.160, 115.960);

(9) Restricts voter information released by election authorities by eliminating the date of birth and prohibiting uses for commercial purposes. Certain requirements to release such information to the general public are also repealed or modified. Specified voter history information will be forwarded to the Secretary of State within three months after an election (Sections 115.157 and 115.289);

(10) Allows registered voters to file change of address forms in person on election day at the Office of the Election Authority if they provide a type of personal identification under Subsection 1 of Section 115.427 which involves photographic identification (Sections 115.165);

(11) Prohibit payment for soliciting voter registration applications and requires registration with the Secretary of State's office for soliciting more than 10 voter registration applications as specified in the bill (Section 115.205).

(12) Beginning January 1, 2024, the bill requires the use of a paper ballot and repeals electronic voting system language with certain exceptions for voting equipment used for the disabled. The bill requires local election authorities to be members of the Center for Internet Security and allows the SOS to review cyber security for local election authorities and vendors as specified in the bill. Testing of vendor products such as programs and machines is allowed and subject to appropriation (Sections 115.225, 115.237, 115.447);

(13) Defines absentee ballots as those authorized to be cast away from a polling place or in the office of the election authority or

other authorized location designated by the election authority. References to Space Force are included for purposes of voting processes and electronic ballot information authorized for the Armed Forces (Sections 115.257, 115.275, 115.902);

(14) Allows use of absentee ballots to vote in person with a form of personal identification as specified in the bill. Notarization requirements are also specified in the bill depending upon the excuse for voting absentee and whether or not voting is conducted in person. Affidavit forms are modified. The casting of in person absentee ballots with photographic identification is authorized only if courts uphold the constitutionality of photographic identification requirements as specified in the bill. No individual or group shall solicit voters regarding absentee ballot applications and such applications shall not be pre-filled and provided to voters (Sections 115.277 and 115.279, 115.283);

(15) Defines casting of absentee ballots as specified in the bill (Section 115.286);

(16) Allows voter assistance in cases of temporary confinement due to illness or physical disability on election day, but repeals specific COVID-19 references to mail-in ballots that have expired (Sections 115.287, 115.291, and 115.652);

(17) Specifies photographic identification requirements for voting a regular ballot, but allows use of provisional ballots with any type of documentation currently allowed for voting. A line item appropriation for the Secretary of State's Office regarding notice of personal identification is repealed. Certain affidavit requirements are repealed and requirements for provisional ballots are specified in the bill (Section 115.427);

(18) Specifies that once a ballot is submitted, then it is deemed cast (115.435);

(19) Repeals expired Section 115.302, which allowed mail in ballots during the COVID-19 crisis and other sections referencing obsolete COVID-19 laws (Section 115.652);

(20) Establishes the "Missouri Elections Sovereignty Act" which demarcates the distinction between federal and state elections and reserves the power of the General Assembly over those aspects of both state and federal elections granted to the states under the federal constitution as specified in the bill (Section 115.1200);

(21) Requires certain state agencies and persons authorized to administer elections to report communications involving elections from the federal government and its agencies as specified in the

bill. The implementation of federal guidance concerning election laws, rules, and policies will require notice to the General Assembly and a time limit of 30 days prior to implementation. Violation of implementation requirements will result in a fine of \$5000 to be levied every 30 days until any implemented guidance is withdrawn. This provision expires on February 1, 2025 (Section 115.1505);

(22) Requires notice of the receipt or intent to distribute federal funds for use in election administration as specified in the bill. The General Assembly, by vote, may decline acceptance of funds during the 30 day notice periods. A violation of the notice requirements will result in a fine in the amount of any funds accepted or distributed in violation of the bill and an additional \$1000. This notice requirement expires on February 1, 2025 (Section 115.1510); and

(23) Limits the authority or ability of specified public officials to nullify, suspend, enjoin, alter, or accept compromises conflicting with Chapters 115 to 128. State or federal court challenges to state statutes as unconstitutional or preempted by federal law or as otherwise void shall require notice to the Speaker of the House of Representatives and the President Pro Tem of the Senate within 14 days. Methods for intervention in lawsuits by each house or joint intervention by both houses of the General Assembly are specified in the bill and include how public funds may be used upon appropriation. Intervention of right does not waive the legislative immunity or legislative privilege of any member, officer, or staff of the General Assembly (Section 1).

This bill is similar to HB 2113 (2022) and HB 738 Reperfected (2021).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the bill includes many necessary election security and efficiency measures. Many provisions are favored by the Secretary of State's office and local election authorities. Procedural changes such as requiring "air gapped" technology, Department of Revenue updating of voter registration records, and the use of paper ballots with exceptions for voters that need assistance are longstanding priorities for election reform. Allowing address updating on election day is technologically feasible. The bill sponsor is collaborating with both local election authorities and the Secretary of State's office

on the bill.

Testifying for the bill were Representative McGaugh; Karen Jean Foster; Renee Smola; Christina Marie Macormic; Margaret Christine Yauas; Barbara Branham; Amber Crawford; Matthew Crawford; Shane Schoeller, County Clerk of Greene, Missouri Association of County Clerks and Election Authorities; and the, Secure Elections Project.

OPPONENTS: Those who oppose the bill say that the legislature should make the voting process more accessible instead of requiring new forms of identification in order to vote. Both urban and rural needs should be considered. Strict photo identification requirements could prevent casting of absentee ballots even if other restrictions such as reasons for voting an absentee ballot in person are removed. Elderly individuals often have difficulty getting identification and voting.

Testifying against the bill were Carol Schatz; Cheryl Rowland; Chloe Telle; Cindy Austin; Dawn Banks; Gerald L Wnorowski; Justin M Lofquest; Linzel Ham; Lynn Busby; Maryann Van Den Hul; Susan K Moellering; Susan Shumway; Alicia D Edwards; Amy J Ravin; Amy Kuo Hammerman, National Council of Jewish Women St. Louis; Angie Dunlap, League of Women Voters of Metro St. Louis; Annie Bernaix; Arlene Zarembka; Brian Hicks; Camelia Johnson; Caroline Fan, Missouri Asian American Youth Foundation; Carolyn Sue Walker; Cassandra Butler; Cheri Crockett; Jewish Community Relations Council of St Louis; David I Berland; Deborah J Kitchen; Denise Fattic; Don Crozier; Dorothy Roberts Arvizu; Getta R. Hall; Missouri AFL-CIO; Jamie Elizabeth Hasemeier; Metropolitan Congregations United; Jenniqua Johnson; Joan Gentry; Madeline Powers, Bc/Id Program At Sfx College Church; Pro Choice Missouri; Mary K. Lindsay; Melissa Vatterott, Missouri Coalition for the Environment; Nancy Desloge; Philip Deitch; Rachel Thompson; Riva Capellari; Sarah Wright; Sherry L Buchanan; Stephen C Mann Sr; Steve Skrainka; Susan Dean Dee; Susan Gibson; Susan Randolph; Tim Mobley; Valerie Larm; Yvette Kell; Scott Randolph; Marla Marantz; Arnie C. Ac Dienoff; Nancy Saccone; Susan Dubois; Nancy Price; Susan Gibson; Dorothy Roberts Arvizu; Janet Archer, R & J Archer Petroleum LLC; Gary Vogt; Carolyn Sue Walker; Wayne Conrad Dean; Adam Koertner; Alanna Ahern; Amy Kempf; Andrea Granger; Andrea Shrum; Angela Feye; Angie Bonnot; April Heywood; Ashley Michelle Higgs; Ashley Twellman; Ashton Kuehnel, Sierra Club, Missouri Chapter; Becky Williams; Bonnot Len; Caroline Ruth Mueller; Caryn Leljedal; Catherine; Catherine Ann Mannell; Catherine Renne; Cathleen Protte; Christy Shelton; Connie Combs; Connie Combs; Cynthia Mueller Rice; Daniel Bretz; Danielle Hopper; David Larson; David Norris; Diane Marie Rohde; Don Crozier; Don Grimm; Dorothy Weiss; Evelyn Maddox; Gabriel Dieckmann; Gabrielle Smith; Gary & Becky Ridenhour; Gary Williams; Getta R. Hall; Ginny Thomason; Hugh

Mackenzie; Jaime Bretz; Jaime Cheaney; James Martin Miller; Janet Baker; Janet Davis; Janet Deidrick; Janet Hennessey; Jen Barker; Jennifer Engel; Jennifer Vogt; Jeremy Pestka; Jessica Grimm; Jessica Pierce; Jimmie J. Rice; Joan Sturm; Jobeth Effertz; Johanna Beaudean; Jonathan Cox; Joseph D Cravens; Julia Jansma; Julia Lesinski; Julia North; Julie Boerner; Julie Stutko; Julie Stutko; Justin Savage; Karen Griggs; Kathryn Hammen; Kathy Place; Kimberly Vance; Kirby Pestka; Ladawn Enke; Lane Kramka; Lee Gray; Lena Williams; Linda Cravens; Linda K. Smith; Lindsay Rapp; Lisa Hovis; Lisa Malan; Lisa Steppelman; Lora Young; Madeline Powers; Marty L Neill; Mary Murphy; Maryann Duff; Matt Deniszczuk; Megan Mackenzieb6; Melissa Thomas; Micah Roberts; Michael; Michelle Brandt; Michelle Cohen; Michelle Holland; Nancy Price; Nedra Hoover; Nelia Aubuchon; Nicki Krsul; Noah Young; Patricia A Lucido; Paul Dawson; Paula Hardin; Phyllis Arnett; Randy Dotson Jr; Rebecca Anne Porter; Rebecca Richards; Rebekah Roberts; Rita French; Robert Ohlrich; Rosener Bryan; Sandra Dawson; Sarah Reeves; Selma Dizdarevic; Sharon Montgomery; Shawn Kaiser; Sherry Neill; Stephanie Diestelkamp; Stephen M Stutko; Susan Krupa; Susanne Boehm; Tanya Lankford; Teresa McBride; Terri Dubinski; Terri Plank; Tiffany Ward; Timothy Brockelbank; Timothy Head; Tj Lukens; Tom Krsul; Trudy Brandt; Vesna Moll; Virginia Hollingsworth; Wendy A. Wisniewski; William A Young; Julie Allen, Missouri NAACP; Allison M Nickolai; Andy Johnson; Angela Mcreynolds; Beth Doney; Cynthia Hoffmeister; David Wahby; Delmmar K. Mills; Denise D. Lieberman, Missouri Voter Protection Coalition; E. Eugene Camfield; Elane Moonier; Elizabeth Franklin; Gary Farrar; Gennifer Monteer; Getta R. Hall; James Roy Turner; Jane Scheckel; Janelle Sjue; Janfarrar; Jason Amberson; Jean Thurman; Jennifer Boren; Jeremy Bevans; Joshua Lehman; Judi Gambino; Kathleen Wahby; Kay Gant; Kim Penrod; Kirby Kraft; Linda Mroz; Lori Staub; Marie McCracken; Marsha Lerenberg; Mary C Camfield; Mary Cremer; Mary Trelaor; Melissa Dohleman; Michael Thurman; Nancy Danner; Nancy Diane Low; Pamela K. Grow; Patricia Williams; Paula Juelich; Rachel Deckerd; Rachel Poston; Ralph Ray Schell; Richard Homan; Richard Swartz; Robbyn Kempf; Rodney D Farthing; Sara Bohnert; Shane Grasser; Shelly Lane; Sheryl Rose; Susan Bush; Tamara Palisch; Tammy Stark Thompson; Thomas Gannon; Arnie C. Ac Dienoff; Carolyn Dell; Clovis Delwiche; Dan Sexson; Deborah Price; Jennifer Hunt; Kim G Swartz; Linda Rezny; Margaret M Loyet; Mary K. Lindsay; Michael Grant; Toni Ungerman; Amber O'Rear; Amy Noble; Angelique Chaverri; Barbrea L Whittington; Carol Pitzer; Darcy Lilley; Debbie Doney; Deidre Brown; Gerald Burmeister; Guy Fisher; Jane Burmeister; Jerry W Blevins; Jonathan Adams; Judy Sofka, Missouri Precinct Project/MOPP; Kathryn Berg; Kathryn S Schoeck; Kelley McDonald; Lisa Weinbaum; Mary Haley; Molly Meyer; Peter Goebel; Rachel Ann Fisher; Samuel E. Cutrell; Scott Grover; Teresa Simpson; Teresa Stone; Bernadette Winkler; Billie Jo Scobee; Carol Ann Maune; Carol Orphan; Cathy Wooldridge; Christine Merli; Curt Saitta; Cynthia Nuspl; Deanna Rhodes-Widmer;

Debbie Petersen; Deborah Mahew; Deborah Wagner; Debra Brumit; Diane J Neff; Donna Marie Hanley; Fogliani Beverly; Garrett Coffey; Janet Schiwitz; Jeff Bono; Jeremy Joseph Scott; John Scobee; Judy K Brown; Kathy Irvin; Laura Riley; Linda Stewart; Lori Bourgeois; Mark Rickmeyer; Mary Whitby; Melinda Maucelli; Melissa Johnson; Rachel Bourgeois; Robert Bourgeois; Robert Bourgeois Jr; Sallye Fagala; Sandy Bourgeois; Sharise King; Sharise Meyer; Susan Gloss; Susan Warner; Terri Williams; Valerie Fargas; Wendy Melrose; AARP; Concerned Women for America of Missouri; Laura Hausladen; Jeff Smith, American Civil Liberties Union; Donnita Patterson-Brown, Pulaski County Branch NAACP; Sarah Andrus; Cynthia Jones; Cynthia Leech; Rachel Silvers; Wendy Nenninger; Carla Mann; and Sharon Jackson.

OTHERS: Others testifying on the bill say that many provisions in HB 2113 could be included in HB 2140. The Secretary of State should have audit power to ensure proper voter list maintenance by local election authorities. The process for casting ballots is defined in the bill to treat all voters equally. A prohibition on third party filling-in and submission of ballot applications will reduce voter confusion.

Testifying on the bill were Trish Vincent, Secretary of State; Eric Fey, St. Louis County Election Board; and Rick Stream, St. Louis County Election Board.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.